

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number	: 09/883,502	Confirm. No.:	8691
Applicant	: Jeffrey A. BEDELL et al.		
Filed	: June 19, 2001		
Title	: REPORT SYSTEM AND METHOD USING PROMPT OBJECTS		
TC/Art Unit	: 2178		
Examiner:	: Cong Lac T Huynh		
Docket No.	: 53470.003037		
Customer No.	: 21967		

MAIL STOP PETITION

Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE UNINTENTIONAL ABANDONMENT

Sir:

Under the authority of 37 C.F.R. §1.137(a), Applicants respectfully petition the U.S. Patent and Trademark Office (PTO) to revive unintentional abandonment of the above-captioned application due to PTO's error.

Applicants timely responded to the outstanding Office Action mailed on December 30, 2005 by filing an Amendment and Response with a two-month Petition for Extension of Time on May 30, 2006, via electronic filing. Copies of the complete filing, including the Electronic Acknowledgement Receipt, are enclosed as "Exhibit A" for your convenience.

Rather than entering this Amendment, it appears that the PTO has mistakenly entered and scanned a Notice of Appeal and Petition for Extension of Time from another application (09/883,303) on May 30, 2006 into the file history. As a result, revival of the instant application is proper since Applicants' alleged failure to respond was unintentional due to PTO error. Thus, Applicants respectfully request withdrawal of the abandonment, acknowledgement of the Amendment timely filed on May 30, 2006, and issuance of a new Office Action.

Applicants believe no fee is required for this petition due to the PTO's error in the issuance of the improper Notice of Abandonment. However, if Applicants' belief is incorrect,


Petition to Revive Unintentional Abandonment
Application No. 09/883,502

the PTO is authorized to credit or charge such variance to the undersigned's PTO Deposit
Account No. 50-0206.

Respectfully submitted,
HUNTON & WILLIAMS LLP

Date: November 6, 2006

By: _____


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EXHIBIT A

Acknowledgement Receipt

The USPTO has received your submission at **11:56:41** Eastern Time on **30-MAY-2006** by Deposit Account: 500206.

\$ **450** fee paid by e-File via **RAM** with Confirmation Number: 623.

You have also pre-authorized the following payments from your USPTO Deposit Account:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17

eFiled Application Information

EFS ID	1060490
Application Number	09883502
Confirmation Number	8691
Title	Report system and method using prompt objects
First Named Inventor	Jeffrey A. Bedell
Customer Number or Correspondence Address	21967
Filed By	Brian M. Buroker [REDACTED]
Attorney Docket Number	53470.003037
Filing Date	19-JUN-2001
Receipt Date	30-MAY-2006
Application Type	Utility

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
DOC.PDF	2	Amendment - After Non-Final Rejection	106227 bytes	◆ PASS
fee-info.pdf	2	Fee Worksheet (PTO-875)	8139 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53 (b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

If you need help:

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent e-Filing.

- *Send general questions about USPTO programs to the USPTO Contact Center (UCC).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to Electronic Business Support or call 1 800-786-9199.*

Electronic Patent Application Fee Transmittal

Application Number:	09883502			
Filing Date:	19-Jun-2001			
Title of Invention:	Report system and method using prompt objects			
First Named Inventor:	Jeffrey A. Bedell			
Filer:	Brian M. Buroker/Florence McKeon			
Attorney Docket Number:	53470.003037			
Filed as Large Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 2 months with \$0 paid	1252	1	450	450

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				450

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/883,502 Confirmation No.: 8691
Applicant : Jeffrey A. Bedell et al.
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Atty. Docket No. : 53470.003037
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MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME AND
RESPONSE TO OFFICE ACTION DATED DECEMBER 30, 2005

Sir:

Responsive to the Office Action mailed December 30, 2005, Applicants submits the following:

- **Request for Extension of Time** begins on page 2.
- **Amendments to the Claims** appear in the listing of claims, which begin on page 3.
- **Remarks** begin on page 7.

PETITION FOR EXTENSION OF TIME

Applicants petition the Commissioner of the United States Patent and Trademark Office for a two month extension of time until May 30, 2006 for responding to the Office Action dated December 30, 2005 in the above-referenced application. Please charge the fee of \$450.00 and any deficiency in or overpayment of this fee should be charged or credited to Deposit Account No. 50-0206.

AMENDMENTS TO THE CLAIMS

Listing of Claims

This response does not amend any of the claims, which are included herewith for completeness.

1. (Previously presented) A prompt object on a computer-readable medium used in creating a report to be executed in a reporting system, wherein the report may specify a prompt object as a property of the report, the prompt object comprising:

a question to be asked of a user; and
at least one validation property;

wherein the prompt object is used in creating a report to be executed in a reporting system, wherein the report may specify a prompt object as a property of the report, and wherein the prompt object is an object separate from the report such that the prompt object may be used more than once in a single report or may be used in more than one report.

2. (Original) The prompt object of claim 1 further comprising a prompt type and wherein at least one validation property comprises verification that the answer provided to the question is of the specified prompt type.

3. (Original) The prompt object of claim 1 further comprising a default answer to the question.

4. (Original) The prompt object of claim 1 further comprising a meaning that, upon request by a responder to the prompt, provides an explanation of the question.

5. (Original) The prompt object of claim 1 further comprising a reuse value that indicates whether an answer provided from a previous instance of that prompt object, a default value or a new value is to be used for an answer to the question in the prompt object.

6. (Previously presented) A computer-implemented method of creating a report to be executed on a reporting system the method comprising the steps of:

selecting a template with one or more template properties;
selecting a filter with one or more filter properties; and
specifying one or more of the template or filter properties with a prompt object;
wherein the prompt object comprises:

a question to be asked of a user; and

at least one validation property, wherein the prompt object is an object separate from the report and separate from the one or more templates or filters such that the prompt object may be used more than once in a single report or may be used in more than one report.

7. (Original) The method of claim 6 wherein the prompt object further comprises a prompt type and wherein at least one validation property comprises verification that the answer provided to the question is of the specified prompt type.

8. (Original) The method of claim 6 wherein the prompt object further comprises a default answer to the question.

9. (Original) The method of claim 6 wherein the prompt object further comprises a meaning that, upon request by a responder to the prompt, provides an explanation of the question.

10. (Original) The method of claim 6 wherein the prompt object further comprises a reuse value that indicates whether an answer provided from a previous instance of that prompt object, a default value or a new value is to be used for an answer to the question in the prompt object.

11. (Previously presented) The method of claim 6 further comprising the step of specifying a single prompt object for a plurality of properties in the report and wherein upon report execution, the question receives only one answer that is provided to a each property properties for which the prompt object was specified.

12. (Original) The method of claim 6 further comprising specifying at most one prompt object for a template or filter property.

13. (Original) The method of claim 6 wherein the template comprises a set of templates properties and the filter comprises a set of filter properties and wherein every template and filter property may be specified as a prompt object.

14. (Previously presented) A processor-readable medium comprising code for execution by a processor to create a report to be executed on a reporting system, the medium comprising:

code for causing a processor to enable a user to select a template with one or more template properties;

code for causing a processor to enable a user to select a filter with one or more filter properties; and

code for causing a processor to enable a user to specify one or more of the template or filter properties with a prompt object;

wherein the prompt object comprises:

a question to be asked of a user; and

at least one validation property, wherein the prompt object is an object separate from the report such that the prompt object may be used more than once in a single report or may be used in more than one report.

15. (Original) The medium of claim 14 wherein the prompt object further comprises a prompt type and wherein at least one validation property comprises verification that the answer provided to the question is of the specified prompt type.

16. (Original) The medium of claim 14 wherein the prompt object further comprises a default answer to the question.

17. (Original) The medium of claim 14 wherein the prompt object further comprises a meaning that, upon request by a responder to the prompt, provides an explanation of the question.

18. (Original) The medium of claim 14 wherein the prompt object further comprises a reuse value that indicates whether an answer provided from a previous instance of that prompt object, a default value or a new value is to be used for an answer to the question in the prompt object.

19. (Previously presented) The medium of claim 14 further comprising code for enabling a user to specify a single prompt object for a plurality of properties in a report definition object and wherein upon report execution, the question receives only one answer that is provided to a each property properties for which the prompt object was specified.

20. (Original) The medium of claim 14 wherein the template comprises a set of templates properties and the filter comprises a set of filter properties and further comprising code for causing a processor to enable a user to specify a prompt object fear each template and filter property selected.

21. (Previously presented) A system for a report to be executed on a reporting system comprising of:

report selection means embodied on a computer-readable medium that enables a report creator to define one or more of a template, filter, or properties thereof with a prompt object;

wherein the prompt object comprises:

a question to be asked of a user; and

at least one validation property, wherein the prompt object is an object separate from the report such that the prompt object may be used more than once in a single report or may be used in more than one report.

22. (Original) The system of claim 21 wherein the prompt object further comprises a prompt type and wherein at least one validation property comprises verification that the answer provided to the question is of the specified prompt type.

23. (Original) The system of claim 21 wherein the prompt object further comprises a default answer to the question.

24. (Original) The system of claim 21 wherein the prompt object further comprises a meaning that, upon request by a responder to the prompt, provides an explanation of the question.

25. (Original) The system of claim 21 wherein the prompt object further comprises a reuse value that indicates whether an answer provided from a previous instance of that prompt object, a default value or a new value is to be used for an answer to the question in the prompt object.

26. (Previously presented) The system of claim 21 wherein the report selection means enables a report creator to specify a single prompt object for a plurality of properties in the report and wherein upon report execution, the question receives only one answer that is provided to a each property properties for which the prompt object was specified.

27. (Original) The system of claim 21 wherein the report selection means enables a report creator to specify at most one prompt object for a template or filter property.

28. (Original) The system of claim 21 wherein the template comprises a set of templates properties and the filter comprises a set of filter properties and wherein every template and filter property may be specified as a prompt object.

REMARKS

Reconsideration of this application is respectfully requested. In response to the Non-Final Office Action ("Action") mailed December 30, 2005, Applicants submit the following. Claims 1-28 are pending.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections.

Double Patenting Rejection

On pages 2-4, the Action provisionally rejects claims 1, 3, 6, and 8 on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1, 5, 6, and 10 of copending application no. 09/883,303.

Page 2 of the Action states:

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

On February 23, 2005, Applicants submitted a Terminal Disclaimer stating that this application and 09/883,303 are commonly owned. Accordingly, Applicants believe that the double patenting rejection is improper. Applicants respectfully request that the double patenting rejection be withdrawn.

Rejections under 35 U.S.C. § 102

On pages 4-8, the Action rejects claims 1-28 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0069207 to Alexander et al. (hereinafter "Alexander"). Applicants respectfully traverse this rejection.

For at least the following reasons, Alexander does not anticipate claim 1.

Claim 1 recites:

A prompt object on a computer-readable medium used in creating a report to be executed in a reporting system, wherein the report may specify a prompt object as a property of the report, the prompt object comprising:

a question to be asked of a user; and
at least one validation property;
wherein the prompt object is used in creating a report to be executed in a reporting system, wherein the report may specify a prompt object as a property of the report, and wherein the prompt object is an object separate from the report such that prompt object may be used more than once in a single report or may be used in more than one report.
(Emphasis added).

Alexander does not disclose a prompt object that includes at least one validation property. Specifically, Alexander does not disclose “the prompt object comprising: ... at least one validation property,” as recited in claim 1.

On page 5, the Action alleges that Alexander discloses this feature in paragraph [0030]. In this paragraph, Alexander discloses:

Each question will be assigned a set of answers for the user to select. Preferably, there are four types of answers that can be associated with questions: either-or, either-or-other, multiple answer and free text. With an either-or answer, the user may only select one of the possible answers. An either-or-other answer allows the user to select a single suggested answer or to enter a more appropriate answer than those suggested. With a multiple answer question, the user can select as many suggested answers as appropriate. A free text answer does not provide any suggested answers, but allows the user to enter an appropriate answer.

Page 6 of the Action equates the survey of Alexander with the claimed prompt object (“the survey, which is considered the prompt object”). The Action further states that “assigning different types of answers to each question in a survey *implies* a validation of data type for the answer to the question in the survey” (emphasis added). Applicants respectfully disagree.

Contrary to the statement made in the Action, assigning different types of answers to questions in a survey does not imply that the survey includes a validation property for a data type of the answer. It is noted that Alexander does not use the terminology “validation” or “data type.” Hence, it appears that the Action is arguing that Alexander’s survey *inherently* includes information that validates a “data-type” of the answer. Applicants note that:

“To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’ ” In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted).

Paragraph [0030] does not, however, disclose that Alexander's survey necessarily includes a validation property to validate a "data type" of an answer. This paragraph indicates that a user may: (1) "only select one of the possible answers;" (2) select "a single suggested answer or to enter a more appropriate answer than those suggested;" (3) select "as many suggested answers as appropriate;" or (4) enter a "free text answer [that] does not provide any suggested answers, but allows the user to enter an appropriate answer." Nowhere does paragraph [0030] of Alexander explicitly disclose that the survey includes a validation property for validating data types of answers. Moreover, Alexander does not even disclose any component or program validating "data types" of answers, contrary to the assertion made in the Action. The Action speculates that Alexander's survey includes this feature, however, in light of *In re Robertson*, "[i]nherency. . . may not be established by probabilities or possibilities." *Id.* Thus, the Action has not shown that Alexander's survey includes a validation property to anticipate the feature of "the prompt object comprising: ... at least one validation property," as recited in claim 1. Therefore, claim 1 is believed to be in condition for allowance and allowance thereof is respectfully requested.

Claims 2-5, which depend from claim 1, also are in condition for allowance due to their dependence on an allowable claim.

Independent claims 6, 14, and 21 are allowable for reasons analogous to those given in support of claim 1.

Claims 7-13, 15-20, and 22-28, which respectively depend from claims 6, 14, and 21, also are in condition for allowance due to their dependence on an allowable claim.

Declaration under 37 C.F.R. 1.131

On pages 8-9, the Action states that the "declaration filed 10/2/05 under 37 CFR 1.131 has been considered but is ineffective to overcome the Alexander reference." Applicants respectfully disagree.

At this time, however, Applicants preserve the right to challenge this finding and may supplement and/or appeal this finding should a final rejection be issued.

CONCLUSION

Since the cited references, taken either singly or in combination, fail to teach or suggest the combinations set forth in the pending claims, and further fail to provide any motivation or suggestion of the desirability of modifying the structures or methods to arrive at the claimed combinations, Applicants submit that the pending claims are allowable over the cited references. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections, allow the pending claims, and pass the application to issue.

If the Examiner believes that a telephone conference or interview would advance prosecution of this application in any manner, the undersigned stands ready to conduct such a conference at the convenience of the Examiner.

If there are any fees due, including any fees required under 37 C.F.R. §1.116 or §1.117 which are not enclosed herewith, or any fees required for extension of time under 37 C.F.R. §1.136, please charge such fees to our Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS

By: 

Brian M. Buroker
Registration No. 39,125

Date: May 30, 2006

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